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RICHARD W. WIEKING  
U.S. DISTRICT COURT  
NO. 100

Attorneys for Defendants  
ALTAMIRA CORPORATION doing business as  
Arby's® roast beef restaurant and  
CHERRY CHASE INVESTORS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11 ROBERT McCARTHY,  
12 Plaintiff,

13 v.

14 ARBY'S ROAST BEEF RESTAURANT,  
15 ALTAMIRA CORPORATION and  
CHERRY CHASE INVESTORS,

16 Defendants.

Case No. **C07 05376 PVT**  
**PROOF OF SERVICE**

**PROOF OF SERVICE**

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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 650 California Street, 20th Floor, San Francisco, California 94108.2693. On October 22, 2007, I served the within document(s):

**NOTICE TO PLAINTIFF, PLAINTIFF'S COUNSEL AND STATE COURT OF REMOVAL OF CIVIL ACTION****DEFENDANT'S JEFFREY A. GIANNINI, ALBERT P. GIANNINI, JR. AND THE GIANNINI LIVING TRUST'S CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

☐ by facsimile transmission at or about \_\_\_\_\_ on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number 415.399.8490. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) served are as set forth below.

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☐ by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.

☐ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

David C. Wakefield, Esq.  
Pinnock & Wakefield  
3033 Fifth Avenue, Suite 410  
San Diego, CA 92103  
(619) 858-3671

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2 fees thereon fully prepaid in the ordinary course of business.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 above is true and correct. Executed on October 22, 2007, at San Francisco, California.  
5

6  
7  
8   
Tami Cato